THE BOMBAY CITY SANITARY REGULATION ACT, 1867.

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SCHEDULE A.

SCHEDULE B.

*BOMBAY ACT No. VI OF 1867.[1]

[THE BOMBAY CITY SANITARY REGULATION ACT, 1867.][1]

[*28th December, 1867.*]

Repealed in part, by Bom. 3 of 1886.
,, ,, ,, ,, Act 38 of 1920.
Amended by Act 16 of 1895.
Adapted and modified by the Adaptation of Indian Laws Order in Council.
Repealed in part, by Act 32 of 1940.

An Act for the better sanitary regulation of the City of Bombay.

Preamble. WHEREAS it is expedient to take measures to check the spread of infectious diseases dangerous to life in the City of Bombay, and especially with reference to vessels arriving at, or being within the limits of, the port of Bombay; It is enacted as follows :—

Establishment of sanitaria. **1.** It shall be lawful for [2][the Provincial Government], with a view of providing for the segregation of persons suffering from any infectious disease dangerous to life from time to time to establish, by notification for the purposes hereinafter specified, one or more places to serve as sanitaria for the City of Bombay, and to notify the local limits of such sanitaria.

Appointment of establishment. And it shall be lawful for [2][the Provincial Government] [3]* * * to appoint a superintendent of each sanitarium, with such establishment as may be necessary.

Appointment of Health Officer of Port. **2.** It shall be lawful for [4][the Central Government] to appoint a Health Officer of the port for the purposes of this Act, and the Health Officer of the port shall be an assistant to, and subject to the general control of, the consulting officer of health.

Removal of persons suffering from infectious disease to sanitarium. **3.** When it shall appear to the consulting officer of health, or in his absence to the Health Officer of the port, that any person in the City of Bombay, being in the public streets or thoroughfares, or in a place of public resort, such as dharmsalas, temple-enclosures and the like, and without proper lodging or accommodation, or being on board any vessel and without proper lodging or accommodation on shore, is suffering from an infectious disease dangerous to life, and that it is necessary for the safety of the public that he should be removed to a sanitarium,

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* So much of this Act as relates to any matter included in the Federal Legislative List has been repealed by Act 32 of 1940, s. 2, Sch. I.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1866, Supplement, p. 386; for first Report of the Select Committee, *see ibid*, 1867, Pt. V, p. 31; for second Report of the Select Committee, *see ibid*, 1867, Pt. V, p. 74, and for Proceedings in Council, *see ibid*, 1866, Supplement, p. 392, and *ibid* 1867, Pt. V, pp. 11, 40 and 96.

The short title was given by the Bombay Short Titles Act, 1921 (Bom. 2 of 1921).

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] The words "acting under the general control of the Government of India" were repealed by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).

[4] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

either of the said officers of health may require such person to proceed to a sanitarium, and the person so required shall be bound to proceed or allow himself to be conveyed to that sanitarium, and shall be bound to remain there till one of the said officers of health certifies that he may go at large without danger to the public.

Penalty.

Any such person refusing or voluntarily neglecting to obey such requisition shall be liable to the penalties provided in section 269 of the [1]Indian Penal Code. XLV of 1860.

Removal by written order of person refusing to proceed to sanitarium.

4. If any such person shall refuse or voluntarily neglect to proceed to the sanitarium when duly required in the manner described in the last preceding section, the consulting officer of health, or in his absence the Health Officer of the port, may, by a written order in the form given in [2][Schedule A], direct that such person be conveyed to a sanitarium, and such written order, signed by one of the said officers of health, shall be sufficient warrant for the conveyance of such person to the sanitarium.

Magistrate, on certificate of medical officer, to make requisition as in section 3.

5. It shall be lawful for any Magistrate of Police, on the certificate of [3][a medical officer who is a convenanted servant of the Crown], or of any member or licentiate of any college of physicians or surgeons of the United Kingdom or of India, as to the nature of the disease, and on such evidence as may be thought by him sufficient in regard to the other conditions recited in section 3 * * [4] to make requisition as in the said section, and any person refusing or voluntarily neglecting to obey such requisition shall be liable to the penalties provided in section 269 of the [1]Indian Penal Code. XLV of 1860.

Penalty.

Master of vessel to give notice of person suffering on board from infectious disease.

6. When the master or commander of any vessel, being within the limits of the port of Bombay, shall become aware that any person on board his vessel is suffering from any infectious disease dangerous to life, he shall immediately give notice to the Health Officer of the port, and, pending the orders of the Health Officer of the port, he shall either remove such person to a sanitarium, or take other suitable precautions to prevent the spread of the disease.

Penalty.

If the master or commander shall wilfully neglect to act as directed in this section, he shall be liable to the penalties provided in section 269 of the [1]Indian Penal Code XLV of 1860.

Power to Health Officer to enter vessel and question master or commander.

7. It shall be lawful for the consulting officer of health or for the Health Officer of the port at any time to enter into and inspect any vessel being within the limits of the port of Bombay, and to question the master or commander regarding the sanitary condition of the vessel and of the persons on board, and the master or commander shall be bound truthfully to answer such questions.

Penalty.

And, if the master or commander shall wilfully give false information to either of the said officers, he shall be liable to the penalties provided in section 177 of the Indian Penal Code; and, if he shall refuse to answer questions put to him, he shall be liable to the penalties provided in section 179 of the [1]Indian Penal Code. XLV of 1860.

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[1] Central Acts.

[2] This word and letter were substituted for the words "appended Schedule" by the Amending Act, 1895 (16 of 1895).

[3] The words "a medical officer who is a convenanted servant of the Crown" were substituted for the words "a convenanted medical officer of Government" by the Adaptation of Indian Laws Order in Council.

[4] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904.)

Master or commander may be required to remove person suffering from infectious disease.

8. If it shall appear to the consulting officer of health or the Health Officer of the port that any person on board a vessel within the limits of the port of Bombay is suffering from any infectious disease dangerous to life, he may, [1][by an order in writing in the form given in Schedule B], require the master or commander of the vessel to remove such person, or any other person who shows premonitory symptoms of such disease, to a sanitarium or other place on shore where, in the opinion of the Health Officer, proper lodging and accommodation are available; and the master or commander shall be bound to obey such requisition and is hereby authorized and empowered to enforce such removal.

Penalty.

And, if the master or commander shall refuse or wilfully neglect to obey such requisition, he shall be liable to the penalties provided in section 269 of the [2]Indian Penal Code.

XLV of 1860

Disinfection of vessels.

9. When it shall appear to the Health Officer of the port that, owing to a person suffering from an infectious disease dangerous to life being on board or having recently been on board any vessel within the limits of the port of Bombay, it is expedient that measures should be taken for the disinfection of such vessel, the said Health Officer may, by an order in writing to the master or commander of such vessel, direct all or any part of the vessel to be forthwith fumigated or otherwise cleansed for sanitary purposes, in accordance with rules published on that behalf by [3][the Central Government] under section 11 [4]* * *;

and recovery of expenses and penalties.

and if the master or commander neglect to do so within the period fixed in the said order, provided such period be not less than twenty-four hours from the time when such order shall have been served upon him, the said Health Officer may cause the same to be done, and the expenses incurred shall be paid by the owner or the master on demand, and, if not so paid, shall be recovered in the manner provided in section 55 of [5]Act XXII of 1855 (*An Act for the regulation of Ports and Port Dues*) for the recovery of penalties imposed under that Act.

Detention by Superintendent of person brought into sanitarium until discharged.

10. It shall be lawful for the Superintendent of the sanitarium, and it shall be his duty, to detain in the sanitarium under his charge all persons who shall come or be brought to such sanitarium under section 3, 4, 6, or 8, until they shall be discharged under a certificate to be granted under rules made by [6][the Provincial Government] under section 11 [4]* * *.

Power to Government to make and publish rules.

11. It shall be lawful for [6][the Provincial Government] from time to time to make and publish general rules for the proper management and discipline of sanitaria established under this Act, and for the disinfection or destruction of the personal property of persons suffering or who have recently suffered

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[1] These words and letter were inserted by the Amending Act, 1895 (16 of 1895).

[2] Central Acts.

[3] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[5] *See* now the Indian Ports Act, 1908 (15 of 1908).

[6] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

from any infectious disease dangerous to life, [1]* * * * * *, and from time to time to alter or repeal such rules. [2][It shall be lawful for the Central Government from time to time to make and publish general rules for the disinfection and cleansing of vessels on board of which there are, or recently have been, persons suffering, or who have recently suffered, from any infectious disease dangerous to life, and from time to time to alter or repeal such rules.].

Penalty.

Any person who shall disobey [3][any rules made under this section] shall be liable to the penalties provided in section 271 of the [4]Indian Penal Code: XLV of 1860.

Power to determine what diseases are infectious.

12. It shall be lawful for [5][the Provincial Government] from time to time to determine by notification what diseases shall, for the purposes of this Act, be held to be infectious diseases dangerous to life :

[6][Provided that the Central Government may, if it thinks fit, by notification make separate provision determining what diseases shall for the purposes of the provisions of this Act relating to vessels within the limits of the port of Bombay be held to be infectious diseases dangerous to life].

Powers to authorize any person to exercise powers of Health Officer.

13. It shall be lawful for [7][the appropriate Government], when necessary, to authorize any one or more persons to exercise all or any of the powers conferred by this Act on the consulting officer of health or on the Health Officer of the port :

Provided that every such person shall be [8][a medical officer who is a covenanted servant of the Crown, or be] a member or licentiate of any college of physicians or surgeons of the United Kingdom or of India, and shall exercise these powers subject to the general control of the consulting officer of health.

[2][In this section "the appropriate Government" means, in relation to the consulting officer of health, the Provincial Government and, in relation to the Health Officer of the Port, the Central Government.]

Power to make special orders in special cases.

14. Whenever it shall appear to [5][the Provincial Government] that, owing to the expected introduction of any infectious disease dangerous to life, or owing to other exceptional circumstances, the ordinary precautions authorized by this Act are insufficient to prevent the spread of such disease, it shall be lawful for [5][the Provincial Government], by notification, to make such orders, and from time to time to vary the same, as it shall deem expedient, for the enforcement of sanitary measures with respect to any vessel arriving at, or being within the limits of, the port of Bombay, or in regard to any persons on board any such vessel, or their personal property.

Penalty.

And any person disobeying such orders or any of them shall be liable to the penalties provided in section 271 of the [4]Indian Penal Code. XLV of 1860

15. [*Interpretation.*] *Rep. Bom. III of 1886.*

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[1]The words " and for the disinfection and cleansing of vessels on board of which such persons are or recently have been ", were omitted by the Adaptation of Indian Laws Order in Council.

[2] These words were inserted, *ibid.*

[3] The words " any rules made under this section " were substituted for the words " such rules or any of them ", *ibid.*

[4] Central Acts.

[5] The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

[6] This proviso was inserted, *ibid.*

[7] The words " the appropriate Government " were substituted for the word " Government ", *ibid.*

[8] The words " a medical officer who is a convenanted servant of the Crown, or be " were substituted for the words " a covenanted medical officer of Government, or ", *ibid.*

SCHEDULE A.

To

WHEREAS *A*, *B*, being a person without proper lodging or accommodation in the City of Bombay, is suffering from an infectious disease dangerous to life, and it is necessary for the safety of the public that he should be removed to a sanitarium ; and whereas, having been required to proceed to such sanitarium, he has neglected to do so ; you are hereby authorized, with such assistance as you may require, to convey him, under section 4 of Act VI of 1867, to , and this shall be your warrant for so conveying him.

Consulting Officer of Health, or Health Officer of the Port.

SCHEDULE B.

To

The Master or Commander of Vessel .....

(*Name.*)

WHEREAS *A*, *B*., at present on board the vessel.....within the limits of the Port of Bombay, is suffering from an infectious disease dangerous to life [or shows premonitory symptoms of a disease dangerous to life (*as the case may be*)], these are to require you to remove the said *A*, *B*, to [*here designate the sanitarium or other place on shore where, in the opinion of the consulting officer of health or Health Officer of the port, proper lodging and accommodation are available*] and for enforcing the said removal, this shall be your sufficient warrant.

Consulting Officer of Health, or Health Officer of the Port.